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**FROM:** Richard Tun                    **USER ID:** RT10770            **FLOOR:** 28  
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**RE:** Application Serial No.: 09/670,918  
Filed: September 29, 2000  
For: **METHOD FOR IMPROVING THE REALIABILITY OF BRITTLE MATERIALS....**

**NUMBER OF PAGES WITH COVER PAGE:** 3**Message:**

Dear Sir:

Attached hereto is the Declaration from Frederick F. Lange to overcome the prior art references as previously discussed with Robert Berliner. Please call Mr. Robert Berliner @ (213) 892-9237 if you have any questions or comments.

**CAUTION - CONFIDENTIAL**

THE INFORMATION CONTAINED IN THIS FACSIMILE IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THE FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS ABOVE VIA THE U.S. POSTAL SERVICE. THANK YOU.

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DENA HILL AT (213) 892-9354 AS SOON AS POSSIBLE.**

PAGE 1/3 \* RCVD AT 12/19/2003 2:46:41 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/1 \* DNIS:8729606 \* CSID:+2136804518 \* DURATION (mm:ss):01:08

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DEC-19-2003 09:59 MATERIALS DEPT. 805 893 8486 P.02/03

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lange, et al. )  
Serial No.: 09/670,918 )  
Filed: September 29, 2000 )  
For: METHOD FOR IMPROVING )  
THE RELIABILITY OF BRITTLE )  
MATERIALS.... )  
DOCKET NO.: 1729-413/10311298 )

DECLARATION UNDER 37 C.F.R. § 1.132

I, Frederick F. Lange, declare as follows:

1. I am a co-inventor, with Masa P. Rao and Antonio Javier Sanchez Herencia , and am listed as first inventor of the above identified application.

2. I am listed as co-author with others on the following publications:

E. F. Lange, M. P. Rao, K. Hbaieb and R. M. McMeeking, "Ceramics that Exhibit a Threshold Strength," in Ceramic Armor Materials by Design, Ceramic Trans. 134, Ed. By J. W. McCauley, A. Crowsen, W. A. Gooch Jr., A. M. Rajendran, S. J. Bless, K. V. Logan, M. Normandia and S. Wax, Pub. B Am. Ceram. Soc., Westerville, OH, . 449-510.

*counted  
12/22/03*  
M.P. Rao, A.J. Sanchez-Herencia, G. E. Beltz, R. M. McMeeking, and F. F. Lange, "Laminar Ceramics That Exhibit A Threshold Strength," Science, 1 October 1999, Volume 286, pp. 102-105.

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DEC-19-2003 09:59 MATERIALS DEPT. 805 853 8486 P.03/03

These two publications listed above describe the work of myself and co-inventors M. P. Rao and Antonio Javier Sanchez Herencia. The others, K. Hbaieb, R. M. McMeeking, and G. E. Beltz, are listed as co-authors merely to give them credit for their assistance in the research program under my direction. Consequently, the references listed above are a publication of the invention of myself and co-inventors and is not prior art.

3. I am not listed as co-author with others on the following publication:

R. M. McMeeking, and Hbaieb K., "Optimal Threshold Strength of Laminar Ceramics," Zeitshrift fuer Metalkunde, 90 (12), 1031 (1999).

This publication listed above describes the work of myself and co-inventors M. P. Rao and Antonio Javier Sanchez Herencia. The others, K. Hbaieb and R. M. McMeeking are listed as authors merely to give them credit for their assistance in the research program under my direction. They wrote this special edition review article describing my work on this invention in honor of my 60<sup>th</sup> birthday (see page 1 of article). Consequently, the reference listed above is a publication of the invention of myself and co-inventors, and is not prior art.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 12/19/03

By:

Frederick F. Lange  
Frederick F. Lange

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